

Remarks

The Official Action rejected claims 1-13 and 15-22. Applicant has amended claims 1, 6, 7, 11, 13, 17, 18, and 21. Claims 1-24, 26 and 27 are now pending in the present application. Applicant respectfully requests reconsideration and allowance of the pending claims in the light of the points that follow.

Allowable Subject Matter

Applicant gratefully acknowledges that claims 14, 23-24, and 26-27 are allowed.

Claim Rejections – Under 35 USC § 102

The Official Action rejected claim 13 under 35 U.S.C. 102(e) as being anticipated by Joseph et al. (U.S. 6,628,615). Applicant has amended claim 13. Applicant respectfully requests the present rejection be withdrawn.

Claim 13

Applicant respectfully points out that claim 13 contains limitations not taught by the cited reference. Claim 13 requires flits from one of the two data channels being transferred in said physical connection when there is no flit available in the other data channel for a transfer.

In contrast, Applicant respectfully asserts that Joseph et al. merely disclose a two level virtual channel network interface (see col. 4, lines 20-36). Moreover,

although Joseph et al. may disclose that the transport agent 200 forwards information about a message from a first node to a second level channel, message flits associated with the message are communicated over the channel based on message content associated with the message (see the Abstract). In particular, in order to provide greater flexibility in how different data types are handled by the network, the message flits are communicated based on class and priority of the message (see col. 2, lines 35-38, col. 5, lines 1-8 and col. 6, lines 59-67). Accordingly, Joseph et al. teach away from claim 13, which requires transferring flits from one of two data channels in a physical connection when there is no flit available in the other data channel, so that the bubbles may be prevented. Therefore, Joseph et al. do not anticipate the inventions of Applicant's claim 13.

Applicant respectfully requests that the present rejection of claim 13 be withdrawn.

If the Examiner elects to maintain the present rejection, Applicant respectfully requests that the Examiner identify where Joseph et al. teach flits from one of the two data channels being transferred in said physical connection when there is no flit available in the other data channel for a transfer.

Claim Rejections – Under 35 USC § 103

The Office Action rejects claims 15 and 16 under 35 U.S.C. 103(a) as being unpatentable over Joseph et al. (U.S.6,628,615).

Claims 15 and 16 include claim 13 as a base claim. Accordingly, claims 15 and 16 are allowable for at least the reasons stated above in regard to claim 13. Applicant respectfully requests the rejection of claims 15 and 16 be withdrawn.

Claim Rejections – Under 35 USC § 103

The Office Action rejects claims 1-12 and 17-22 under 35 U.S.C. 103(a) as being unpatentable over Joseph et al. (U.S. 6,628,615) in view of Walsh et al. (U.S. 5,319,521). Applicant has amended claims 1, 6, 7, 11, 17, 18, and 21. Applicant respectfully traverses this rejection in view of the remarks that follow.

Applicant respectfully points out that, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490, F.2d 981, 180 USPQ 580 (CCPA 1974, M.P.E.P. §2143.03).

Claims 1-12

Without conceding the appropriateness of the combination, Applicant respectfully submits that the combination of Joseph et al. and Walsh et al. does not meet the requirements of an obviousness rejection in that neither teaches nor suggests controlling transferring data from one of said two channels through said physical connection in response to determining that valid data is unavailable in the other channel to be transferred, as required by claims 1-12.

As mentioned above, Applicant respectfully asserts that Joseph et al. merely disclose a two level virtual channel network interface, wherein message flits associated with the message are communicated over the channel based on

message content associated with the message, e.g., class and priority of a message, in order to provide greater flexibility in how different data types are handled by the network (see col. 2, lines 35-38, col. 5, lines 1-8 and col. 6, lines 59-67, and the Abstract).

Accordingly, Joseph et al. appears to teach away from the above-identified limitations as defined in Applicant's claims 1-12 and 17-22. Therefore, it appears that Joseph et al. are devoid of suggesting controlling transferring data from one of said two channels through said physical connection in response to determining that valid data is unavailable in the other channel to be transferred, as required by claims 1-12. Moreover, Walsh et al. are devoid of teaching the limitations in Applicant's claims 1-12.

Thus, the combination of Joseph et al. and Walsh et al. does not teach all the claim limitations in Applicant's claims 1-12. Thus, the *prima facie* obviousness of the invention of claims 1-12 has not been established. Applicant respectfully requests that the present rejection of claims 1-12 be withdrawn.

Claims 17-22

Claims 17-20 require controlling sending data from one of said two channels through said physical connection in response to determining that the other channel does not have valid data to be transferred. Further, claims 21 and 22 require in response to determining that the second controller does not have data to send, sending data via the first controller.

As mentioned above, Applicant respectfully asserts that Joseph et al. merely disclose a two level virtual channel network interface, wherein message flits associated with the message are communicated over the channel based on message content associated with the message, e.g., class and priority of a message, in order to provide greater flexibility in how different data types are handled by the network (see col. 2, lines 35-38, col. 5, lines 1-8 and col. 6, lines 59-67, and the Abstract).

Accordingly, Joseph et al. appears to teach away from the above-identified limitations as defined in Applicant's claims 17-22, wherein data from a channel may be sent in response to determining that the other channel does not have valid data to be transferred or data may be sent via a first controller in response to determining that the second controller does not have data to send. Therefore, it appears that Joseph et al. are devoid of suggesting the limitations in Applicant's claims 17-22. Moreover, Walsh et al. are devoid of teaching the limitations in Applicant's claims 17-22.

Thus, the combination of Joseph et al. and Walsh et al. does not teach all the claim limitations in Applicant's claims 17-22. Thus, the *prima facie* obviousness of the invention of claims 17-22 has not been established. Applicant respectfully requests that the present rejection of claims 17-22 be withdrawn.

Conclusion

The foregoing is submitted as a full and complete response to the Official Action. Applicant submits that the pending claims are in condition for allowance. Reconsideration is requested, and allowance of the pending claims is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666. If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (503) 439-8778 is respectfully solicited.

Respectfully submitted,

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